

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY COMPANY as  
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

- against -

DORMITORY AUTHORITY – STATE OF NEW YORK, TDX  
CONSTRUCTION CORP., and KOHN PEDERSEN FOX  
ASSOCIATES, P.C.,

Defendants.

Case No.  
07 Civ. 6915 (DLC)

**ANSWER OF DASNY  
AND TDX TO CROSS-  
CLAIM OF FOURTH-  
PARTY DEFENDANT  
HARLEYSVILLE  
INSURANCE CO.**

DORMITORY AUTHORITY OF THE STATE OF NEW YORK  
and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

- against -

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

- against -

CAROLINA CASUALTY INSURANCE COMPANY, BARTEC  
INDUSTRIES, INC., DAYTON SUPERIOR SPECIALTY  
CHEMICAL CORP. a/k/a DAYTON SUPERIOR  
CORPORATION, SPECIALTY CONSTRUCTION BRANDS,  
INC. t/a TEC, KEMPER CASUALTY INSURANCE  
COMPANY d/b/a KEMPER INSURANCE COMPANY,  
GREAT AMERICAN INSURANCE COMPANY, NATIONAL  
UNION FIRE INSURANCE COMPANY OF PITTSBURGH,  
PA., UNITED STATES FIRE INSURANCE COMPANY,  
ALLIED WORLD ASSURANCE COMPANY (U.S.) INC. f/k/a  
COMMERCIAL UNDERWRITERS INSURANCE COMPANY,  
ZURICH AMERICAN INSURANCE COMPANY d/b/a  
ZURICH INSURANCE COMPANY, OHIO CASUALTY  
INSURANCE COMPANY d/b/a OHIO CASUALTY GROUP,  
HARLEYSVILLE MUTUAL INSURANCE COMPANY (a/k/a  
HARLEYSVILLE INSURANCE COMPANY), JOHN DOES 1-  
20 AND XYZ CORPS. 1-20,

Fourth-Party Defendants.

Defendants/Third-Party Plaintiffs Dormitory Authority of the State of New York ("DASNY") and TDX Construction Corp. ("TDX"), by their attorneys, Holland & Knight LLP, answer the cross-claim of Fourth-Party Defendant Harleysville Insurance Company of New Jersey ("Harleysville"), dated January 14, 2007 ("Harleysville's Cross-Claim"), as follows:

1. The allegations contained in Harleysville's Cross-Claim state a legal conclusion to which no response is required. To the extent a response is required, DASNY and TDX deny each and every allegation of Harleysville's Cross-Claim with respect to the alleged liability of DASNY and TDX, and state that they are without knowledge or information sufficient to form a belief as to the truth of the allegations therein regarding the alleged liability of all other parties against whom the cross-claim is asserted.

FIRST AFFIRMATIVE DEFENSE

2. Harleysville's Cross-Claim fails to state a cause of action against DASNY upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

3. Harleysville's Cross-Claim fails to state a cause of action against TDX upon which relief may be granted.

**WHEREFORE**, DASNY and TDX demand judgment dismissing Harleysville's Cross-Claim in its entirety as against them, together with the costs and disbursements of this action, attorneys' fees, and such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
January 31, 2008

HOLLAND & KNIGHT LLP  
*Attorneys for Defendants Dormitory  
Authority of the State of New York and  
TDX Construction Corp.*

By: Timothy B. Froessel  
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To: All counsel of Record

cc: 5066398\_v1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY  
COMPANY as Administrator for RELIANCE  
INSURANCE COMPANY,

Plaintiff,

- against -

DORMITORY AUTHORITY – THE STATE OF NEW  
YORK, TDX CONSTRUCTION CORP., and KOHN  
PEDERSEN FOX ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF  
NEW YORK and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

- against -

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

Case No. 07 Civ. 6915 (DLC)  
ECF CASE

**AFFIDAVIT OF SERVICE**

KAREN L. HIPPNER hereby declares the following to be true under penalty of perjury:

On January 31, 2008, I caused the foregoing Answer of DASNY and TDX Construction Corp. to Cross-Claim of Fourth Party Defendant Harleysville Ins. Co. to be served upon all parties listed in the attached service list, at the addresses designated for service by depositing same, enclosed in a properly addressed wrapper, first-class postage, in an official depository under the exclusive care of the United States Postal Service within the State of New York.

On January 31, 2008, I caused the foregoing Answer of DASNY and TDX Construction Corp. to Cross-Claim of Fourth Party Defendant Harleysville Ins. Co. to be served via electronic filing upon all parties currently appearing in this litigation.

Dated: New York, New York  
January 31, 2008

Karen Hippner  
Karen L. Hippner

Sworn to before me this date  
January 31, 2008

BO FEELY  
~~Notary Public, State of New York~~  
~~Notary Public #6161594~~  
~~Qualified in New York County~~  
~~Commission Expires February 26, 2011~~

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